



UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2024 Grand Jury

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FELIPE DE JESUS PENA,  
  
Defendant.

CR No. 5:24-cr-00070-KK

I N D I C T M E N T

[21 U.S.C. §§ 841(a)(1),  
(b)(1)(A)(vi), (b)(1)(C):  
Distribution of Fentanyl;  
21 U.S.C. § 853: Criminal  
Forfeiture]

The Grand Jury charges:

COUNT ONE

[21 U.S.C. §§ 841(a)(1), (b)(1)(C)]

On or about February 16, 2023, in San Bernardino County, within the Central District of California, defendant FELIPE DE JESUS PENA knowingly and intentionally distributed N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide ("fentanyl"), a Schedule II narcotic drug controlled substance.

COUNT TWO

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi)]

On or about February 23, 2023, in San Bernardino County, within the Central District of California, defendant FELIPE DE JESUS PENA knowingly and intentionally distributed at least 400 grams, that is, approximately 1.141 kilograms, of a mixture and substance containing a detectable amount of fentanyl, a Schedule II narcotic drug controlled substance.

FORFEITURE ALLEGATION

[21 U.S.C. § 853]

1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 21, United States Code, Section 853, in the event of defendant's conviction of the offenses set forth in any of Counts One and Two of this Indictment.

2. The Defendant so convicted shall forfeit to the United States of America the following:

a. All right, title and interest in any and all property, real or personal, constituting or derived from, any proceeds which the defendant obtained, directly or indirectly, from any such offense;

b. All right, title and interest in any and all property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of any such offense; and

c. To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraphs (a) and (b).

3. Pursuant to Title 21, United States Code, Section 853(p), any defendant so convicted shall forfeit substitute property if, by any act or omission of said defendant, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in

1 value; or (e) has been commingled with other property that cannot be  
2 divided without difficulty.

3 A TRUE BILL

4  
5 /s/

6 Foreperson

7 E. MARTIN ESTRADA  
8 United States Attorney

9 MACK E. JENKINS  
10 Assistant United States Attorney  
11 Chief, Criminal Division



12 SCOTT M. GARRINGER  
13 Assistant United States Attorney  
14 Deputy Chief, Criminal Division

15 BENEDETTO L. BALDING  
16 Assistant United States Attorney  
17 Deputy Chief, General Crimes  
18 Section

19 K. AFIA BONDERO  
20 Assistant United States Attorney  
21 General Crimes Section  
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